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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Peidong Wang et al.
Serial No.: 10/824,838
Filed: 04/15/2004
For: SPATIAL BANDGAP MODIFICATIONS AND
ENERGY SHIFT OF SEMICONDUCTOR
STRUCTURES

Group Art Unit: 2891

Examiner: Matthew L. Reames

Attorney's Docket No.: AHURA-10

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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June 5, 2006

(DATE OF DEPOSIT)

Mark J. Pandiscio

(NAME OF ATTORNEY)

Mark J. Pandiscio 6/5/06

(SIGNATURE)

June 5, 2006

(DATE OF SIGNATURE)

Sir:

RESPONSE

This is in response to the Official Action currently
outstanding with respect to the above-identified patent
application.

In the outstanding Official Action, the Examiner has
indicated that this application contains the following
patentably distinct species:

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- A. Claims 37-46 (figure 1) wherein a plurality of dielectrics is used as a mask.
- B. Claims 47-54 (figure 3) wherein a single dielectric is used as a mask.
- C. Claims 68-82 (figure 4) wherein a graded material is used as a mask.

The Examiner has also indicated that Applicants are required to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

The Examiner has also indicated that, currently, claims 36, 55-67 and 84 are generic.

In response to the foregoing requirement, Applicants hereby elect, without prejudice, to prosecute the invention of Species A (i.e., that disclosed in Fig. 1).

Claims 36-46, 55-67 and 84 are believed to be readable on the elected species.

Applicants expressly reserve the right to prosecute all non-elected subject matter in related applications.

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In the event that any fees may be required in this matter,
please charge the same to Deposit Account No. 16-0221.

Thank you.

Respectfully submitted,

Mark J. Pandiscio 6/5/06

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